

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John F. Shanley  
Serial No.: 10/668,430 Art Unit: 3734  
Filed : September 22, 2003 Examiner: Diane D. Yabut  
For : Expandable Medical Device with Openings for Delivery of Multiple Beneficial Agents

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 28, 2009

(Date of Deposit)

Laurie A. Phillips

(Name of applicant, assignee, or Registered Representative)

/Laurie A. Phillips/

(Signature)

December 28, 2009

(Date of Signature)

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 27, 2009 finally rejecting Claims 1-28, 31-35 and 41-53 of the above-identified application.

The item(s) checked below are appropriate:

1. ☐ An extension of time to respond to the final rejection was granted on \_\_\_\_\_ for month(s).
2. ☒ A two-month Extension Of Time under 37 CFR 1.136 is being paid electronically with this filing.
3. ☐ A timely response to the final rejection has been filed.
4. ☒ Fee \$540.00: for filing of Notice of Appeal is being paid electronically with this filing.  
☐ Not required (fee paid in prior appeal)  
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/CMI5007USNP1/KM.

Respectfully submitted,

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/Kristin Menon/

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Date: December 28, 2009